

REMARKS

The present request is submitted in response to the Final Office Action dated April 30, 2003, which set a three-month period for response, making this amendment due by June 30, 2003.

Claims 1, 2, and 4 are pending in this application.

In the Final Office Action, claims 1, 2, and 4 were finally rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,623,231 to Holt.

The Applicant respectfully disagrees that the newly cited reference to Holt anticipates claims 1, 2, and 4.

However, in order to more clearly define the present invention over the cited reference, the Applicant has amended claim 1 to provide that the two limbs (12) serve to fix components to one another or to fix a component to a surface.

In addition, new claim 5 has been added, which is claim 4, rewritten in independent form, but with additional features as well. Specifically, new claim 5 defines, among other features, that wherein the tongues (16, 18, 20) run in a partially-cylindrical arc about a pivoting axis of the two limbs (12), wherein said partially-cylindrical tongues of the two limbs, upon pivoting of the two limbs, slide over one another with respective partially-cylindrical surfaces, wherein the two limbs each have two tongues, wherein a distance between the tongues of each limb correspond to a thickness of the tongues, and wherein one of the two

tongues of a first of the two limbs rests between the two tongues of a second of the two limbs.

In contrast to the angle fixing of the present invention, which serves for fixing components at an angle to one another, the device disclosed in Holt works as a measuring apparatus; indeed, it is designated as a "gauge". The measuring angle of Holt serves for exactly aligning element of machining tools in their angle to one another, as provided in Holt, column 1, line 31.

A basic difference between the present invention and Holt is that the legs of the measuring angle of Holt do not have a consistent longitudinal cross section over the entire width. With Holt, the collars 22, 24 of the legs 10, 11 each extend only over half of the width of the legs 10, 11. On the respective other halves of the width, the legs 10, 11 are excluded for the collars 24, 22 of the respective other leg 10. The legs 10, 11 of the measuring angle of Holt, therefore, cannot be manufactured in a draw-through method as a profile rod and separated from this, which is possible with the angle fixing of the present invention. With Holt, in each case, the half width of the leg 10, 11 must be removed in the region of the collars 22, 24, since the collars 22, 24 cannot extend over the entire width of the legs 10, 11.

To clarify this distinction, both claim 1 and new claim 5 define a "longitudinal sectional area", rather than a "longitudinal cross sectional surface".

It must also be noted that, in contrast to the angle fixing of the present invention, the collars 22, 24 of the measuring angle of Holt do not pivotably guide its legs 10, 11 on one another. With Holt, the pivoting pin 25 guides the two legs

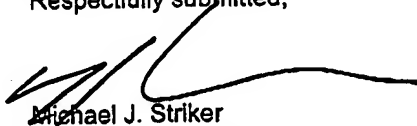
10, 11 pivotally on one another. The collars 22, 24 merely lie with their front faces on one another; without the pivoting pin 25, the legs 10, 11 would fall on one another. As defined in new claim 5, upon pivoting of the limbs 12, the limbs lie on one another with their partially-cylindrical surfaces, not with their side or front faces, as in Holt.

Therefore, the Applicant respectfully submits that claims 1, 2, 4, and 5 are patentable over the cited reference to Holt. The Applicant further requests withdrawal of the final rejection under 35 U.S.C. 102 and reconsideration of the claims as herein amended.

In light of the foregoing arguments in support of patentability, the Applicant respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



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